

Invention: Truck Bed Liner with Integrated Trunk Storage Compartment
Inventor: Brian Haack
Serial Number: 09/473,791
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Amendments to the Drawings

The attached replacement sheets of drawings include the following changes:

- 5 1) Element 73 was added to Figures 2 and 7
- 2) Figures 14, 15, and 16 were cancelled

REMARKS

Reexamination of the application is respectfully requested. The Applicant appreciates the Examiner's careful reading of the Specification. In light of the

5 Office Action, Applicant amends his application as follows.

In the Drawings

The Examiner objected to Figures 14, 15, and 16 for the reason that it was unclear how the storage compartments of the Figures related. Applicant has cancelled Figures 14, 15, and 16 (appropriate changes have also been made to the
10 Specification and remaining Drawings to reflect these cancellations).

31 CFR 1.83(a) Objections

The Examiner objected to the drawings pursuant to 37 CFR 1.83 (a) for the reason that they failed to show certain features.

15 (1) The enclosure panel rotating about a "vertical" axis- Claims 1 and 15 have been amended to better claim the invention as one wherein the enclosure panel rotate about a horizontal axis. No change to the Figures has been made.

(2) The enclosure panel being releasably "affixed to the first side of the base panel when not within the securing means and the hook and loop fasteners-
20 Figures 2 and 7 have been amended to illustrate the hook and loop fasteners as number 73 and as described in Specification beginning on page 10 at line 16 and ending on page 11 at line 10. No new matter has been introduced into the case.

(3) The storage compartment of both claims 28 and 29- It is assumed that the Examiner meant both claims 28 and 29. If the Applicant is incorrect in this assumption, please let his attorney know. Claim 28 has been amended to delete reference to the “storage compartment and claim 29 has been withdrawn without
5 prejudice.

(4) The “divided locking means” of claim 50- Claim 50 has been withdrawn without prejudice.

Corrected drawings have been supplied herewith including Annotated Replacement Sheets and Replacement Sheets.

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In the Specification

The Examiner noted that on page 13, lines 2-3, it was apparent that the Applicant really meant to say that the base panel is rotated “from the horizontal position to an essentially vertical position” and not from horizontal to horizontal.
15 Applicant agrees and a correction was made. Applicant appreciates that the Examiner pointed this error out.

The Examiner objected to the Specification because it included a hyperlink or other form of executable code. Applicant was unable to locate the problem. If the Examiner could provide more guidance in this regard, it would be appreciated.
20 Applicant will then make the appropriate correction.

In the Claims

Claims Objections- Informalities

In Claim 10, the Examiner requested that the word “panel” be inserted after the word “divider.” This change was made pursuant to the Examiner’s request.

- 5 In Claim 28, the Examiner noted that there were two dashes that required removing. This change was made pursuant to the Examiner’s request.

Claims Rejection- 35 USC Section 112

- The Examiner rejected Claims 1-4, 8-11, 15-17, 22-26, 28, and 49-50 for failing to distinctly claim the subject matter which the Applicant regards as the
10 invention.

Specifically, in Claims 1, 15, and 28, the limitation that the enclosure panel rotates about “a vertical axis” is misleading as it appears that the panel rotates about a horizontal axis. Applicant amended the Claims to reflect that the enclosure panel rotates about a horizontal axis.

- 15 The Examiner noted that there was insufficient antecedent basis in the claims 10 and 49 for the word “they.” Applicant has amended the Claims to more accurately claim his invention as “at least two protrusions in Claim 10 and has cancelled Claim 49 without prejudice for other reasons.

- Claims 46, 48, and 50 have been withdrawn without prejudice for other
20 reasons.

Double Patenting

The Examiner noted that there was a double patenting issue with claims 1 and 15. It is Applicant's position that these claims cover distinct matter. Claim 1 addresses a truck bed liner while claim 15 addresses any vehicle that could benefit from an enclosure, such as the newly developed SUVs that can be enclosed or open backed or "station wagon" type vehicles. This is a significant difference in the claims as the types of vehicles to which they pertain is vastly different.

The Examiner also rejected claims 44, 46-50 as being the same invention as claims 1, 3-5, and 7-8 of U.S. Patent number 6,015,178. Applicant has withdrawn Claims 46-50 without prejudice. Applicant has also amended Claim 44 to more accurately reflect the enclosure panel portion of the invention.

Moreover, U.S. Patent number 6,015,178 is directed to a truck bed *liner*, while the subject claims of the current application are directed to a truck bed itself. Applicant asserts that these are two separate devices.

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Claims Rejection- 35 U§C Section 102 and 35 USC Section 103

The Examiner rejected Claims 44, 46, and 48 pursuant to 35 USC 102 and Claim 47 pursuant to 35 USC 103. All four of these claims were withdrawn without prejudice for other reasons.

20 Applicant submits that his claims as presented are patentable over the prior art. Applicant respectfully request, therefore, that the Examiner recommend allowance of the claims. If the Examiner has any questions or believes that a

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telephone interview with Applicant's attorney would be beneficial in moving this

case along, please do not hesitate to contact the undersigned.

Respectfully submitted,

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4/4/05

Marked up Version of the Specification:

On page 8, please delete lines 1 through 8.

On page 8, line 9, please delete the word [17] and insert the word -- 14 --, as follows:

5 Figure [17] 14 depicts a top view of the divider panel with a living hinge within liner bottom and the liner side wall to create the sides of the trunk storage compartment with the enclosure panel being formed from the liner front wall.

On page 8, line 12, please delete the word [18] and insert the word -- 15 --, as

10 follows:

Figure [18] 15 depicts a rear view of the divider panel raised from the horizontal position from the liner bottom and the enclosure panel in the liner side wall being raised to form the trunk storage compartment.

15 On page 8, line 15, please delete the word [19] and insert the word -- 16 --, as follows:

Figure [19] 16 is a fractionalized view illustrating the offset molding features of the device in a rounded corrugated pattern.

On page 8, line 17, please delete the word [20] and insert the word -- 17 --, as

20 follows:

Figure [20] 17 depicts an alternate embodiment illustrating the offset molding feature wherein a squared molding pattern is

utilized.

On page 11, line, please insert the word -- 73 -- after the Word VELCRO[®] thereby changing the paragraph that begins on page 10, line 16 and ends on page 11, line 10 as follows:

5 Turning to figure 2, it can be seen that divider panel 56 can be
raised to 90 off horizontal along living hinge 52 where it is then
locked into place using divider vertical lock means 58. Tailgate
liner section 46 a shown with an enclosure panel 70 and a base
panel 72 that are hingedly connected by a living hinge 74. Living
10 hinge 74 permits enclosure panel 70 to freely rotate with respect to
base panel 72. Preferably, enclosure panel 70 is releasably affixed
a base panel 72 VELCRO[®] 73, namely a hook and loop type of
fasteners and components manufactured by Velcro, Inc. having,
upon information and belief, place of business in Manchester, New
15 Hampshire. Alternatively, enclosure 70 may be releasably affixed
to base panel 72 by any other means that would permit panels to
releasably secure together. Typically, base panel 72 is attached to
tailgate 30. Alternatively, base panel 72 may be integrally molded
to liner bottom 40 of truck bed liner 20. Enclosure panel 70 is
20 rotated, along living hinge 74, and approximately 90 position with
respect to base panel 72. In this position, enclosure panel 70 is set
for insertion into closure means 75 to form the enclosed trunk
storage compartmentalization. Obviously, divider panel 56 and

enclosure panel 70 must be of a size and at a location that they
create an enclosed area when in a raised position.

On page 13, lines 2, please delete the word "horizontal" and insert the
word vertical in the paragraph beginning on page 12, line 17 and ending

5 on page 13, line 9 as follows:

In operation, to create the trunk storage compartmentalization,
divider panel 56 is rotated from the horizontal position to an
essentially vertical position and locked into vertical divider lock
means 58, as discussed above in figure 3. Enclosure panel 70 is
10 removed from base panel 72 by applying sufficient pressure on
enclosure panel 70 in direction away from base panel 72 to release
closure panel 70 from base panel 72. Upon release, enclosure
panel 70 rotates away from base panel 72 along living hinge 74.
Base panel 72 is then rotated from the ~~[[horizontal]]~~ vertical
15 position to an essentially horizontal position through lifting and
closing of tailgate 30. During the lifting and closing of tailgate 30
to a closed vertical position, enclosure panel 70 is received into
closure means 75 by sliding edge 80 of enclosure panel 72 being
inserted between horizontal protrusions 76 and a closure channel
20 78. Upon tailgate 30 reaching the closed vertical position,
enclosure panel 72 is completely inserted into closure channel 78
such that sliding and 80 is essentially flush with divider panel 56
and enclosure panel 70 is approximately perpendicular to divider

panel 56.

On page 15, please cancel the paragraph being on line 18 and ending on page 16,
line 4.

On page 16, line 5, please delete the word “This” and insert the word -- An-- and
5 delete the word “also” and in line 6, please delete “17” and insert -- 14 -- as
follows:

[This] An alternate embodiment may [also] be accomplished using
the same inventive concept as illustrated in Figure [17] 14 by
providing liner bottom 40 with a divider panel 56 and a living
10 hinge 52 and liner side wall 36 or liner side wall 38 with a side
panel 98 to form the sides of the trunk storage compartment with
enclosure panel 92 being located within liner front wall 34.

On page 16, line 9, please delete “18” and insert -- 15 -- and in line 10,
please delete the word “17” and insert -- 14 -- as follows:

15 As illustrated in Figure [18] 15, yet another embodiment may also be
accomplished without liner side wall 36, 38 providing a side panel
98 (of Figure [17] 14). Instead, the side walls provide an enclosure
panel 92 that has a living hinge 52 located on liner side walls 36 or
38 to rotate from a vertical position to a horizontal position for
20 attachment to latch means 96 located along front liner wall 34 with
divider panel 56 being rotated to a vertical position from its
horizontal position within liner bottom 40.

On page 16, line 14, please delete the word [19] and insert the word -- 16 -- and delete the word [20] and insert the word -- 17 --, and in line 15, please delete the word [19] and insert the word -- 16 -- and delete the word [20] (second occurrence) and insert the word -- 17 --, and in line 16, please delete the word [19] and insert the word -- 16 -- and delete the word [20] and insert the word -- 17 -- as follows:

Figures [19] 16 and [20] 17 are alternate examples of molding techniques used in manufacturing truck bed liner 20. Figure [19] 16 depicts a rounded molding process while Figure [20] 17 depicts a squared molding process. It should be noted that both in both Figure [19] 16 and Figure [20] 17, the corrugations 64 of the divider are offset to the corrugations 66 of the remainder of the truck bed liner bottom 40. This facilitate smooth operation of the device inasmuch when a divider panel 56 is raised from its vertical position to its horizontal position, the corrugations of the divider fit between the corrugations of the remainder of the liner bottom. If the corrugations of the divider and remainder of the liner bottom are not offset, they may crush into one another making it difficult to raise the divider into position without damaging the divider.

While the preferred embodiment of the inventive device contemplates an offset molding process, cutouts enabling the divider to be raised up and over the corrugations of the remainder

of the liner bottom are also contemplated. Of course, liner is not using raised corrugations, have no need for offsetting the divider corrugations and the remainder of the bottom.

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Clean Version of the Claims

2. (original) The storage compartment of Claim 1 further including a divider panel securing means for positioning and securing the divider panel.

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3. (original) The storage compartment of Claim 1 further including an enclosure panel securing means for positioning and securing the enclosure panel.

10 4. (previously amended) The improved truck bed liner of Claim 1 wherein the divider panel is located in a bottom of the truck bed liner.

8. (original) The storage compartment of Claim 1 wherein the divider panel and the enclosure panel each have three free edges and a fourth edge comprising a hinge means.

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9. (original) The storage compartment of Claim 8 wherein the hinge means is a living hinge.

11. (previously amended) The liner of Claim 3 wherein the enclosure panel
20 securing means comprises at least two horizontal protrusions extending outwardly from the two side walls of the liner at a predetermined point in the side wall, the at least two horizontal protrusions being spaced apart from one another a sufficient distance to form a closure channel and secure the enclosure panel between the horizontal protrusions.

14. (original) A storage compartment for a truck bed liner comprising:
an integrated divider panel having at least two living hinges located at
predetermined locations on the divider panel, the living hinges enabling the
5 divider panel to be raised into a vertical position at one of the at least two living
hinges and horizontal position at the second of the at least two living hinges; and
panel securing means, whereby, the divider panel can be positioned and secured
to form a trunk storage compartment.

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16. (original) The storage compartment of Claim 15 further including a divider
panel securing means for positioning and securing the divider panel.

17. (original) The truck bed liner of Claim 15 further including an enclosure
15 panel securing means for positioning and securing the enclosure panel.

22. (original) The storage compartment of Claim 15 wherein the divider panel
and the enclosure panel each have three free edges and a fourth edge comprising a
hinge means.

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23. (original) The vehicle liner of Claim 22 wherein the hinge means is a living
hinge.

24. (original) The liner of Claim 16 wherein the enclosure panel securing means comprises at least two horizontal protrusions extending outwardly from the two side walls of the liner at a predetermined point in the side wall, the at least two
5 horizontal protrusions being spaced apart from one another a sufficient distance to form a closure channel and secure the enclosure panel between the horizontal protrusions.

25. (original) The liner of Claim 17 wherein the enclosure panel securing
10 means comprises at least two horizontal protrusions extending outwardly from the two side walls of the liner at a predetermined point in the side wall, the at least two horizontal protrusions being spaced apart from one another a sufficient distance to form a closure channel and secure the enclosure panel between the horizontal protrusions.

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26. (original) The liner of Claim 15 further comprising a base panel, the base panel having a first side and a second side, the enclosure panel being releasably affixed to the first side of the base panel when the enclosure panel is not within the enclosure securing means.

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30. (previously amended) A truck bed of the type made of materials capable of having formed members, the improvement comprising:

a divider panel and further comprising at least two living hinges located at predetermined locations on the divider panel, the living hinges enabling the

- 5 divider panel to be raised into a vertical position at one of the at least two living hinges and horizontal position at the second of the at least two living hinges; and panel securing means, whereby, the divider panel can be positioned and secured to form a trunk storage compartment with the bottom and an adjacent side wall.

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Clean Version of Amendments to the Specification

On page 8, please delete lines 1 through 8.

On page 8, line 9, please delete the word [17] and insert the word -- 14 --, as follows:

- 5 Figure 14 depicts a top view of the divider panel with a living hinge within liner bottom and the liner side wall to create the sides of the trunk storage compartment with the enclosure panel being formed from the liner front wall.

On page 8, line 12, please delete the word [18] and insert the word -- 15 --, as

10 follows:

Figure 15 depicts a rear view of the divider panel raised from the horizontal position from the liner bottom and the enclosure panel in the liner side wall being raised to form the trunk storage compartment.

- 15 On page 8, line 15, please delete the word [19] and insert the word -- 16 --, as follows:

Figure 16 is a fractionalized view illustrating the offset molding features of the device in a rounded corrugated pattern.

On page 8, line 17, please delete the word [20] and insert the word -- 17 --, as

20 follows:

Figure 17 depicts an alternate embodiment illustrating the offset molding feature wherein a squared molding pattern is utilized.

On page 11, line, please insert the word -- 73 -- after the Word VELCRO[®] thereby changing the paragraph that begins on page 10, line 16 and ends on page 11, line 10 as follows:

Turning to figure 2, it can be seen that divider panel 56 can be
5 raised to 90 off horizontal along living hinge 52 where it is then
locked into place using divider vertical lock means 58. Tailgate
liner section 46 a shown with an enclosure panel 70 and a base
panel 72 that are hingedly connected by a living hinge 74. Living
hinge 74 permits enclosure panel 70 to freely rotate with respect to
10 base panel 72. Preferably, enclosure panel 70 is releasably affixed
a base panel 72 VELCRO[®] 73, namely a hook and loop type of
fasteners and components manufactured by Velcro, Inc. having,
upon information and belief, place of business in Manchester, New
Hampshire. Alternatively, enclosure 70 may be releasably affixed
15 to base panel 72 by any other means that would permit panels to
releasably secure together. Typically, base panel 72 is attached to
tailgate 30. Alternatively, base panel 72 may be integrally molded
to liner bottom 40 of truck bed liner 20. Enclosure panel 70 is
rotated, along living hinge 74, and approximately 90 position with
20 respect to base panel 72. In this position, enclosure panel 70 is set
for insertion into closure means 75 to form the enclosed trunk
storage compartmentalization. Obviously, divider panel 56 and
enclosure panel 70 must be of a size and at and a location that they

create an enclosed area when in a raised position.

On page 13, lines 2, please delete the word "horizontal" and insert the word vertical in the paragraph beginning on page 12, line 17 and ending on page 13, line 9 as follows:

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divider panel 56 is rotated from the horizontal position to an
essentially vertical position and locked into vertical divider lock
means 58, as discussed above in figure 3. Enclosure panel 70 is
removed from base panel 72 by applying sufficient pressure on
10 enclosure panel 70 in direction away from base panel 72 to release
closure panel 70 from base panel 72. Upon release, enclosure
panel 70 rotates away from base panel 72 along living hinge 74.
Base panel 72 is then rotated from the vertical position to an
essentially horizontal position through lifting and closing of
15 tailgate 30. During the lifting and closing of tailgate 30 to a closed
vertical position, enclosure panel 70 is received into closure means
75 by sliding edge 80 of enclosure panel 72 being inserted between
horizontal protrusions 76 and a closure channel 78. Upon tailgate
30 reaching the closed vertical position, enclosure panel 72 is
20 completely inserted into closure channel 78 such that sliding and
80 is essentially flush with divider panel 56 and enclosure panel 70
is approximately perpendicular to divider panel 56.

On page 15, please cancel the paragraph being on line 18 and ending on page 16,

line 4.

On page 16, line 5, please delete the word “This” and insert the word -- An-- and delete the word “also” and in line 6, please delete “17” and insert -- 14 -- as follows:

5 An alternate embodiment may [also] be accomplished using the same inventive concept as illustrated in Figure 14 by providing liner bottom 40 with a divider panel 56 and a living hinge 52 and liner side wall 36 or liner side wall 38 with a side panel 98 to form the sides of the trunk storage compartment with enclosure panel 92
10 being located within liner front wall 34.

On page 16, line 9, please delete “18” and insert -- 15 -- and in line 10, please delete the word “17” and insert -- 14 -- as follows:

As illustrated in Figure 15, yet another embodiment may also be accomplished without liner side wall 36, 38 providing a side panel
15 98 (of Figure 14). Instead, the side walls provide an enclosure panel 92 that has a living hinge 52 located on liner side walls 36 or 38 to rotate from a vertical position to a horizontal position for attachment to latch means 96 located along front liner wall 34 with divider panel 56 being rotated to a vertical position from its horizontal position
20 within liner bottom 40.

On page 16, line 14, please delete the word [19] and insert the word -- 16 -- and delete the word [20] and insert the word -- 17 --, and in line 15, please delete the

word [19] and insert the word -- 16 -- and delete the word [20] (second occurrence) and insert the word -- 17 --, and in line 16, please delete the word [19] and insert the word -- 16 -- and delete the word [20] and insert the word -- 17 -- as follows:

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10 corrugations 66 of the remainder of the truck bed liner bottom 40. This facilitate smooth operation of the device inasmuch when a divider panel 56 is raised from its vertical position to its horizontal position, the corrugations of the divider fit between the corrugations of the remainder of the liner bottom. If the
15 corrugations of the divider and remainder of the liner bottom are not offset, they may crush into one another making it difficult to raise the divider into position without damaging the divider. While the preferred embodiment of the inventive device contemplates an offset molding process, cutouts enabling the divider to be raised up
20 and over the corrugations of the remainder of the liner bottom are also contemplated. Of course, liner is not using raised corrugations, have no need for offsetting the divider corrugations

and the remainder of the bottom.

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